

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

The objections to the specification has been considered. The specification has been amended to provide proper section headings and to address other informalities therein. Approval of the amendment to the specification is respectfully requested.

The objections to the claims have been considered. Claims 1-3, 5-10, 12 and 13 have been amended as suggested to address the objections and to address other informalities. Claims 4, 11 and 14-16 have been cancelled. Therefore withdrawal of the objections to the claims is respectfully requested.

The rejection of Claims 1-4, 6, 7, 9, 10 and 13 under 35 USC §102(b) as being anticipated by Mehta, U.S. Patent No. 5 810 397 has been considered.

Mehta discloses a thermally imagable business record such as a label or tag that is provided with a substrate having a thermally imagable coating on substantially its entire surface to form a first color when activated. The substrate also has desensitized areas that can be overcoated with a thermally imagable coating capable of forming a different color upon activation than the first thermally imagable coating. Figure 1 of Mehta shows a substrate 12 and a thermally imagable coating 18 thereon, along with a desensitizing composition 20, barrier coating 22 and a different thermally imagable coating 24 provided in a separate section 28 separate from section 26 of the label. Figure 4A shows an adhesive 42 and a release liner 44 for the labels.

Applicants' Claim 1 recites a price indication label wherein "at least a part of the surface material of the advertisement region comprises a see through material for enabling reading of printed information provided on a surface that the label is attached to". This feature is illustrated in Applicants' Figures 6-8; for example, by the advertising

marked display region 205 which overlies a portion of the tag 210 as illustrated in Applicants' Figure 8 to enable viewing of at least a portion of the printed information (price) from the tag.

The Office Action states that region 28 illustrated in Figure 2 of Mehta comprises a see through material capable for reading printed information. The characters in area 28 of Mehta are a part of the label itself and thus do not comprise printed information provided on a surface that the label is attached to as recited in Claim 1.

For the above reasons, reconsideration and withdrawal of the rejection under 35 USC §102(b) as being anticipated by Mehta of Applicants' independent Claim 1, and Claims 2, 3, 6 and 7 dependent therefrom, is respectfully requested.

Applicants' independent Claim 9 now recites a method of indicating a current price by providing a price indication label. The method includes, "wherein at least a part of the label body in the advertisement region comprises a see through material for enabling viewing of printed information provided on a surface of a tag". Claim 9 further recites "attaching the label to a tag allowing viewing of printed information therethrough". Mehta does not disclose or suggest a see through material to enable viewing of printed information on a surface of a tag that the label is attached to. As illustrated in Figures 6-8 and elsewhere in Applicants' specification, the prior price on tag 210 is viewable upon attachment of the claimed label.

Further, Claim 9 recites "the current price being indicated by using a different color from colors of the advertisement region".

For the above reasons, reconsideration and withdrawal of the rejection of Claim 9 under 35 USC §102(b) as being anticipated by Mehta is respectfully requested.

Claim 10 is believed allowable for the reasons discussed above with respect to Claim 9.

The rejection of independent Claim 13 is respectfully traversed. Claim 13 recites the step of "folding a part of the advertisement region towards a back surface of the label body in order to glue to the back surface". This feature is not believed present in Mehta. Figures 4A and 5 of Mehta disclose an adhesive applied to a back surface of the label. There is no disclosure or suggestion of folding the label as recited in Applicants' Claim 13 and illustrated in Applicants' Figures 11 and 14, for example. Therefore, reconsideration and withdrawal of the rejection of Claim 13 under 35 USC §102(b) as being anticipated by Mehta is respectfully requested.

The rejection of Claims 5 and 12 under 35 USC §103 as being unpatentable over Mehta in view of Watanabe, JP Pub. No. 2001-154584 has been considered.

Watanabe teaches a label having double-lines crossing through item A5 in Figures 5 and 6. This serves as a cancel indication mark for the printed information.

The Office Action indicates it would have been obvious to incorporate double-lines crossing through an item as a cancel indication mark as taught by Watanabe for the teachings of Mehta in order to allow the printed information to be adjusted/strike-through to further provide the user the history of the information printed on the label.

Applicants' claimed invention relies on "a cancel indication mark" recited in Claim 5 that is a part of the "see through material". As discussed above, Mehta and Watanabe do not disclose a see through material, much less providing a cancel indication mark thereon. Watanabe likely can be relied on for the principle of either providing a cross out mark on an opaque label that is being produced or for manually providing a cross out mark on a product tag. There is, however, no motivation to provide such a cancel indication mark on a see through material that is then capable of being superimposed over printed information on a tag.

Method Claim 12 has been amended extensively and now recites, among other features "a transparent advertisement region enabling information to be viewed therethrough" and the step of "aligning the transparent advertisement region with printed information on the merchandise tag" and "attaching the label body to the merchandise tag so as to enable at least some of the printed information on an attached surface of the merchandise tag to be viewable through the transparent advertisement region".

As discussed above, Mehta does not disclose or suggest providing a transparent advertisement region, much less applying the label to view information on an attached surface of a tag to be viewable. Mehta, instead, discloses providing a label that covers any item, to which it is attached.

Watanabe also does not disclose such a transparent advertisement region to enable such viewing.

For the above reasons, reconsideration and withdrawal of the rejection of Claims 5 and 12 under 35 USC §103 in view of the combination of Mehta and Watanabe is respectfully requested.

The rejection of Claim 8 under 35 USC §103 as being unpatentable over Mehta in view of Sugita, JP 407 160 200 has been considered.

Sugita teaches a price tag in Figures 1 and 7 that is provided with a cutting line 6.

Applicants' Claim 8 recites "a fold line having perforations for enabling folding of the folded part".

Sugita merely discloses perforation lines for tearing apart film paper to form a sticking tag. There is no disclosure or suggestion of a "fold line" for "enabling folding of the folded part" as recited in Claim 8.

For the above reasons, reconsideration and withdrawal of the rejection of Claim 8 under 35 USC §103 as being unpatentable over Mehta in view of Sugita is respectfully requested.

Applicants' method Claim 13 discussed above, recites the step of "folding a part of the advertisement region toward a back surface of the label body in order to glue to the back surface". This feature is illustrated, for example, in Applicants' Figure 8. There is no disclosure in Sugita of folding any portion of the paper or the tag onto itself, much less in order to glue the back surface. Therefore, Claim 13 also is allowable over Mehta in view of Sugita.

Added Claims 17-24 further distinguish the applied prior art. For example, Claim 17 recites that "aligning the transparent advertisement region comprises canceling out with the cancellation mark a portion of a displayed price on the merchandise tag that is viewable through the transparent advertisement region". The applied prior art does not disclose or suggest a transparent advertisement region, much less providing a cancellation mark thereon to cancel out a portion of a display price on a merchandise tag utilized with the label.

Dependent Claims 18 and 19 are believed allowable for the reasons set forth above with respect to Claims 12 and 17.

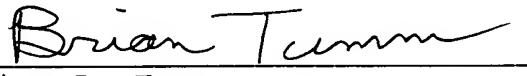
Independent Claim 20 recites a price indication label including "a transparent label body with first and second opposing faces", "a previous price modification display region comprising a first portion of said second face of said label body, and including a modification mark at the second face". Claim 20 further recites that "the first portion of said second face of said transparent label body permits viewing of a merchandise tag price on a separate merchandise tag aligned with the first portion, except for the modification mark that is superimposed over the merchandise tag price". As discussed above, the applied prior art does not disclose or suggest providing a portion of the label that permits viewing therethrough, much less providing viewing except for a modification mark that is superimposed over the merchandise tag price.

Dependent Claims 21-24 are believed allowable for the reasons discussed above with respect to Claim 20. Further, Claim 21 recites a backing region that is folded when the label is secured to a tag. Finally, Claims 23 recites a delineating frame not present in the applied prior art.

For the above reasons, consideration and allowance of Claims 17-24 is respectfully requested.

Further and favorable reconsideration is respectfully solicited.

Respectfully submitted,



Brian R. Tumm

BRT/ad

FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1631 Phone: (269) 381-1156 Fax: (269) 381-5465	Dale H. Thiel David G. Boutell Ronald J. Tanis Terryence F. Chapman Mark L. Maki Liane L. Churney Brian R. Tumm Steven R. Thiel Donald J. Wallace Kevin L. Pontius Sidney B. Williams, Jr.	Reg. No. 24 323 Reg. No. 25 072 Reg. No. 22 724 Reg. No. 32 549 Reg. No. 36 589 Reg. No. 40 694 Reg. No. 36 328 Reg. No. 53 685 Reg. No. 43 977 Reg. No. 37 512 Reg. No. 24 949
--	--	---

Encl: Postal Card

136.07/05